

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

CAROLYN MITCHELL

v. **ANCHORAGE POLICE DEPT., et al.**

THE HONORABLE JOHN W. SEDWICK

CASE NO. 3:05-cv-00273 (JWS)

PROCEEDINGS: **ORDER FROM CHAMBERS**

Date: May 28, 2008

In a motion for reconsideration at docket 108, defendants ask the court to reconsider that portion of its order at docket 105 which recited that defendants had waived the immunity issue. The motion has merit. Indeed, upon re-examination of the order, the court finds that necessary language was omitted in the second to last sentence in the first paragraph on page 3 of the order. With the necessary language added and shown in bold, that sentence would read: "In the absence of any explanation for defendants' failure to timely raise the immunity issue in compliance with the court's order, and given the ample time afforded for motion practice, the court deems **defendants' right to a pre-trial determination of** the immunity issue to have been waived."

Local Civil Rule 59.1(d)(1)([A] provides: "Generally, the court will not grant reconsideration without first requesting an opposition." In this case, an exception will be made, because the motion for reconsideration has alerted the court to the fact that the order it filed at docket 105 inaccurately conveyed the court's desired result with respect to the immunity issue.

The motion at docket 108 is **GRANTED** by correcting the order at docket 105 as set forth above.
